

**Foxborough Planning Board
Meeting Minutes
February 9, 2012
Town Hall**

Members Present: Kevin Weinfeld, Gordon Greene, Ron Bressé, Shannon McLaughlin,
Alternate John Rhoads

Members Absent: William Grieder

Also Present: Planner Sharon Wason

7:00 p.m. Review of old/new business

Planner's Report

Sharon Wason informed the Board that she attended a Department Heads' meeting today and discussed warrant articles briefly. The warrant officially closes on February 17th; we need our ad to the Reporter on February 21st to hold the hearing the 8th of March. At the meeting she also made a presentation on what the Planning Board's been up to and people were very interested in the Census findings and getting the Master Plan kicked off.

Flood Insurance Maps

S.Wason informed the Board that the Flood map/regulation changes could be adopted as a Board of Health regulation rather than a zoning by-law change. She will be proceeding with that plan.

Intern Report

Alison Sheppard, the intern from MIT completed her projects. The agriculture data collection she did with Gordon Greene and others will be very useful in applying to MAPC for a Place-based grant. All the Housing information is off to MAPC. S.Wason was incredibly pleased with the work Alison did.

Master Plan

Contracts with Kathy McCabe have been signed – the kickoff meeting will be held at Town Hall on Monday, February 14th starting at 10:45 a.m.

Transit Feasibility Analysis

\$25,000 was added to the Planning Board budget for a Transit Feasibility Analysis. I have been meeting with Building Commissioner Casbarra and the Foxborough Committee for Disabled Citizens to address the transportation needs of the elderly, disabled, veteran, and other Foxborough residents who do not or cannot drive. In discussions with GATRA (our regional transit authority) concerning additional services that the Town might need and that GATRA might be able to supply, they have strongly suggested that a "transit feasibility plan" assessing the needs of the people of Foxborough should be prepared as that study would be very helpful in designing services. The Central Transportation Planning Staff (the Boston MPO and our regional transportation planning agency) has estimated the member community (i.e. discounted) cost for such a study would be \$25,000. S.Wason said that in her experience, this is a very competitive price for such a plan. S.Wason and Mr. Casbarra discussed this with Town Manager Kevin Paicos today and it was Mr. Paicos' recommendation that the "Plan" be added to our budget. She said that this should also dovetail nicely with the Master Plan and the Housing Production Plan.

7:05 p.m. Request for Lot Release “The Gables at Foxboro Green”

Kevin Weinfeld recused himself from the matter.

Developer John McCarthy was present. He requested the release of lot 8 in place of the previously released lot 7.

Motion by Shannon McLaughlin to release lot 8 of “The Gables at Foxboro Green” subdivision. Seconded by Ron Bressé. Unanimous Affirmative Vote (4:0)(K.Weinfeld recused)

**7:15 p.m. Request for a minor modification
Hockomock YMCA**

K.Weinfeld recused himself from the matter.

Engineer William Buckley was present along with John Metcalf, Christine Walsh, and YMCA Board Chairman Greg Spier.

W.Buckley stated that they would like to modify the plan for the outdoor aquatic center approved in 2010. He gave an overview of the project: in 2001 the property was acquired and the 1st phase was built; in 2007 the 2nd phase was constructed; and in 2010 the 3rd phase, an outdoor aquatic center was approved but not built. He stated that the modification would allow monetary savings. He stated that the splash park was removed but may be built depending on funds, will not add any impervious area. They will be taking the sewer around the outside of the building instead of under the driveway, there’s no change in the program, similar layout.

S.Wason stated that one concern she had was that children being dropped off by the parents would have to cross the driveway to enter the pool area. She discussed this concern with Mr. Spier who informed her that adults need to check in their children for any activity. Also, people will be encouraged to use parking lot by basketball area. She stated that there are a lot of walkers and there’s no walkway along the driveway but there’s a shoulder lends itself to a sidewalk. She read comments received from the Town’s departments:

- **Building Commissioner Casbarra** requested that installation of a sidewalk prior to the issuance of the Certificate of Occupancy.
- **Conservation Manager Pierce** stated that the proposed changes have no impact on the Wetlands Protection Act.
- **Health Agent Clifford** offered comments on operation of the pool.

W.Buckley stated that the Board discussed the sidewalk at the previous hearing. He stated that they are limited by the river (Rivers Act applies) and wetlands on the other side (25’ no disturb zone in Foxborough). He stated that the width of the road is very minimal as it is. He stated that at the time, the solution discussed was a walkway paved to Mechanic Street from the upper parking lot. G.Greene asked if this has been discussed with the Conservation Commission. W.Buckley responded that they haven’t, but their by-law doesn’t allow construction in the no disturb zone unless in a limited project. S.Wason stated that she would be willing to discuss this issue with the Conservation Commission. W.Buckley stated that construction of a sidewalk has not been budgeted.

R.Bressé stated that he is in favor of exploring the possibility of constructing the sidewalk. J.Rhoads stated that it is reasonable to explore it, but the applicants have a timeframe and funding is an issue so this decision should not be contingent on the construction of a sidewalk.

S.McLaughlin concurred with J.Rhoads. G.Greene agreed that the Board should consider this request separately from a sidewalk, but S.Wason should meet with the Conservation Commission to discuss the construction of a sidewalk and if they are agreeable, then communicate to the applicant that the Board would like that happen.

Motion by J.Rhoads to determine that the project as presented is a minor modification. Seconded by S.McLaughlin. Unanimous Affirmative Vote (4:0)(K.Weinfeld recused)

7:30 p.m. Planner Report (continued)

Nadia Estates

S.Wason informed the Board that the courts have ruled on Nadia Estates and have sent the project back to the ZBA to determine that the modified plan is a minor modification. She stated that the project is now down to 36 condominium units.

Bill H3841

S.Wason informed the Board that a Bill has been introduced in the State Legislature requiring that when a Building Permit is requested, abutters within 500' should be notified.

Green Communities' Designation

Town Manager would like to proceed with this. Requirements are:

1. Alternative energy as right
2. Efficiently processing permits
3. Fuel efficient vehicle policy
4. Energy plan for municipal buildings
5. Stretch code – energy enhancements for building code

Highlawn Farm

S.Wason stated that the Bank set up a meeting with a number of Town departments on Tuesday. They are concerned with the Special Permit requirements, especially the 52 house requirement under the Special Permit to construct the recreation fields. Rocks will be trucked out and new crushed stone will be purchased when construction begins. K.Weinfeld stated that he met with Mr. Galvani of Norwood Bank and gave him an overview of the project and that there are obligations to the Town.

Town Report

Passed a copy of the Board's report to the Town's Annual Report.

8:00 p.m. Continued Public Hearing – Zoning Article

Article 2

This zoning change would amend sections 3 and 7 of the Zoning By-Law by creating Renewable Energy Regulations for the construction and utility of "On-Site Wind Turbines" and "Utility-Scale Wind Turbines" in the Town of Foxborough.

S.Wason informed the Board that she worked with Mr. Grieder in creating a version of the State's wind energy law. She stated that Mr. Twohig felt that requiring a Special Permit is a detriment but she feels very strongly that due to impacts a Special Permit would be necessary. She stated that another concern is the fall zone; they looked at a lot of examples and felt that some setback is

necessary, suggesting the height of turbine plus 10'. J.Rhoads stated that requiring a Special Permit for small residential installation seems onerous.

K.Weinfeld expressed concern about height; Milton seems to be the only Town that allows 500'. S.Wason responded that the height average statewide 375', have set 425'. K.Weinfeld asked if multiples will be allowed in a lot. S.Wason responded that setback is height plus 10' from other turbines, the size of the lot should determine if more than one turbine can be located in the a lot. She stated that she feels that a turbine should be on a monopole. Board agreed that monopoles should be required for large scale turbines. K.Weinfeld stated that Mr. Grieder is not present at the meeting due to health issues and he would prefer Mr. Grieder's input before the Board makes a decision on this article.

Comments from the public:

John Spinney, 63 Summer Street – stated that height doesn't consider the scope, calculation of scope angle of sun casting shadows at its lowest.

Bruce Norwell, 19 Concord Drive, Walpole – stated that Mr. Twohig discussed placing the turbine within the parking lot by the Christmas Tree Shops, noting that the illustration shows the turbine close to Route 1. K.Weinfeld responded that illustrations show that it is 800' from buildings. B.Norwell noted that the water tower is 900' from property lines.

B.Norwell asked how the 425' height was determined. S.Wason responded that Mr. Twohig suggested it. R.Bressé added that the feasibility studies determined that it is the necessary height to produce energy.

John Murtaugh, 7 Nottingham Way, Walpole – stated that large scale turbines don't belong on the Walpole side since it is a very narrow property and would significantly dominate the landscape for a long time.

Deborah Burke, 7 Wisteria Drive, Walpole – requested that on the Special Permit requirements on page 4, the Board add to #2 "be it Foxborough or adjacent towns". Also requested the same verbiage added on page 6, item 3.B. She stated that residents would appreciate adding as much protection as possible.

Natalia Stasiewicz, 15 Beach Street – asked if there will be an escrow account and if there will be a penalty if the equipment is not removed by a certain date. S.Wason responded that there's a bond that the Town can use with an escalation clause. G.Greene stated that the basis for the escalation should be specified. S.Wason stated that regulations will be created to address these issues. K.Weinfeld stated that the main question is whether the Board agrees that 425' is appropriate or is it too tall and the height needs to be reduced.

Mike Freiburger, 20 Concord Drive, Walpole – stated that the water tower is very large and the turbines would be 3 times that height; asked if any depictions have done on that side of the road. M.McCarthy added that the site is higher than neighborhood.

John Spinney suggested requiring twice the height of a turbine for the fall zone. K.Weinfeld responded that a turbine couldn't be sited in Town with such a requirement.

D.Burke stated that the Board should consider setting different specifications for the EDAOD where something is required that it is twice the requirements in other zoning districts.

Carl Zampi, 24 Jason's Path, Walpole – stated that he reviewed several studies and they come down to sound, other issues are real, but the sound level should be measured at night, as it is a low frequency sound.

M.Freiberger stated that he appreciates the effort and supports requiring a special permit; the requirements should be clear enough that future boards can enforce these. K.Weinfeld concurred.

N.Stasiewicz asked why add this use since there's no wind in Foxborough. K.Weinfeld responded that members of the Board would like to see green energy use, small business owners have appeared before the Board and said they would like to have one for their business, adding that any zoning should protect the citizens.

John Gray, 52 North High Street, Advisory Committee Chairman – asked if the article could be placed in the Town Meeting warrant without a decision from the Board. K.Weinfeld responded that the Board can request a placeholder. J.Gray stated that he would not want a placeholder.

Motion by J.Rhoads to continue the public hearing to February 16, 2012 at 8:15 p.m. Seconded by G.Greene. Unanimous Affirmative Vote (5:0)

Town Meeting Articles

S.Wason discussed other zoning articles that might be considered:

1. Strike the words “except as provided for in Section 3.4 of these By-Laws” from the end of section 10.2.2.3. There is no section 3.4 of the Zoning By-Laws. Presumably, this applied to what is now section 3.3 Temporary Uses, which allows for uses not otherwise allowed to be established for a single year only.
2. Strike in its entirety Section 1.6 of the Foxborough Zoning By-Laws and replace with “These By-Laws may be changed by amendment, addition or repeal pursuant to Massachusetts General Laws, Chapter 40A, Section 5.” Section 1.6 repeats information contained in the General Laws. There are no additional requirements in Foxborough. Consistent with the recodification several years ago, this section should have been deleted.
3. “Family Day Care, Large of Small” should be an allowed use in all zoning districts, except in the S-1 zoning district. Licensing requirements for small day care is far beyond from our requirements. This should be an allowed use but subject to site plan review to look at egress and parking, etc. by input from the ZBA
4. In the analysis of downtown uses, it was discovered that 3 streets were not included in the Design Review District (Howard Ave, Rockhill Street, and Shaw Place), also the inclusion of Granite Street should be limited to Union Street.
5. FIRM maps. This can be done with Board of Health regulations and Section 9.3 should be deleted. Have discussed this with the Health Agent and need confirmation from the State.
6. Wind energy.
7. The Board should hold a public hearing on the Sign General By-Law.

9:30 p.m. Meeting adjourned

Approved by: Kevin Weinfeld, Chairman

Date: March 8, 2012